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Marc Montminy, Chief

February 26, 2016

Judiciary Committee
Legislative Office Building
Hartford, CT 06106

Re: Letter of Support for HB 5054, AA Protecting Victims of Domestic Violence

Dear Members of the Judiciary Committee:

I write to you today to urge you to support HB 5054, which will protect victims of domestic violence at the most dangerous time and strengthen processes within a system designed to help them.

The goal of this bill is, to protect victims of domestic violence at the most dangerous time by temporarily removing firearms from their abuser when the abuser has received notice that he or she is the subject of a temporary, ex-parte restraining order.

Presently, state law prohibits anyone who is the subject of a full one year restraining order from possessing firearms. Not extending the same prohibition during the temporary order which covers the most dangerous period of time for a victim is a serious gap in our laws. If this measure saves just one life by requiring the temporary, two week removal of firearms during ex-parte restraining orders, then I believe it deserves the full support of The General Assembly.

Temporary restraining orders, also called ex-parte restraining orders, can be issued by the court when the victim alleges an "immediate and present physical danger" (CGS § 46b-15). Such order may be issued by the court "granting such relief as it deems appropriate." With the ex-parte order, the court also orders a hearing to be held within 14 days, commonly referred to as the "two week hearing," at which time the respondent has an opportunity to be heard.

An ex-parte restraining order provides temporary relief to a victim and may include an order for the respondent to stay away from the victim and vacate the family home, as well as to provide temporary custody of children to the victim. While the respondent is not present when the court initially grants an ex-parte order, a judge weighs all of the evidence presented in the sworn affidavit submitted with the victim's application. Additionally, the judge also has the option to interview the victim prior to granting the ex parte order.

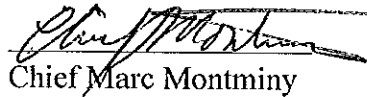


With the intent to protect victims of domestic violence at a vulnerable time, this General Assembly has established a process by which a judge may, for a two week period prior to a hearing, deny someone access to their home and children if they believe, based on a sworn statement to the court, that the individual poses "immediate and present physical danger" to the victim. I am asking, given the overwhelming research that demonstrates how unsafe victims of domestic violence are when firearms are accessible, that respondents also be denied access to firearms during this temporary period.

In addition, HB 5054, Sec. 3. Section 46b-15(b) states that if said respondent is employed in a position in which it is essential for the respondent to carry a firearm, a hearing on the application will be made as soon as possible.

This component of the statute is critical for these individuals who may be subject to job loss as a result of ex-parte orders.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chief Montminy", is written over a horizontal line.

Chief Marc Montminy
Manchester Police Department